

DHW-4 02-11-04

Let's protect our earth



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF HAZARDOUS WASTE MANAGEMENT

John J. Trela, Ph.D., Acting Director

2 Babcock Place

West Orange, N.J. 07052

201 - 669 - 3960

January 9, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
P-554 324 341

Mr. Raymond Topping
486 Mount Prospect Avenue
Clifton, NJ 07012

Dear Mr. Topping:

According to information received from Patrick Randazzo, attorney for Richard Max, you are the present owner of the Synkote Paint facility at 144-160 Van Riper Avenue, Elmwood Park, having purchased this property at a Sheriff's sale. According to Mr. Randazzo, the sale was made subject to removal of hazardous wastes stored at the site. While removal of these materials is required under the New Jersey hazardous waste regulations, this letter is to advise you of certain other factors which may influence the sale, and your purchase, of Synkote.

Firstly, Synkote is subject to the Environmental Cleanup Responsibility Act ("ECRA"), which requires that a remedial investigation and necessary cleanup be performed before any sale or transfer of ownership is approved. Prior to the Sheriff's sale, Synkote was in compliance-monitoring status, as necessary ECRA paperwork had not been filed by Mr. Max. The Sheriff's sale was subsequently conducted without the knowledge or approval of NJDEP, and may be considered invalid. The Bureau of ECRA Applicability and Compliance ("BEAC") has recently referred this matter to the Attorney General's Office. I strongly suggest that you contact Ms. Barbara Strollo of BEAC in regard to the status of the Sheriff's sale, and any other requirements of ECRA. Ms. Strollo may be reached at 609-633-7141.

The second concern is the storage of hazardous wastes both inside Synkote and around the exterior of the facility. Metro Bureau of Enforcement recently conducted a joint inspection of the property with a representative of Bergen County Health Services, during which numerous containers of hazardous waste were observed. Many of these containers are in poor condition and some have discharged a portion of their contents to the ground in violation of the New Jersey Spill Compensation and Control Act.



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The unpermitted and improper storage of hazardous waste at Synkote is also a violation of the New Jersey Hazardous Waste Regulations as previously mentioned.

Conditions at Synkote also represent a threat to human health, as the site is not well-secured, and flammable, poisonous and other unknown wastes are present. A danger of malicious entry and arson exists, and nearby residences could be affected. This office will therefore require that all hazardous wastes be removed from Synkote in the near future, and will initiate the necessary legal or administrative actions to achieve this objective. Although the status of the Sheriff's sale complicates the issue of responsibility, it is necessary that you advise this office as to your intentions regarding Synkote and of any communication with ECRA personnel. Please also advise as to the date and location of the Sheriff's sale. At this same time this office will attempt to clarify certain matters pertaining to the ECRA status of Synkote and ultimate responsibility for hazardous waste violations.

If you have any questions, or require further information, please contact me at 201-669-3981.

Sincerely,

David W. Oster
Environmental Specialist

DWO:jap